

**REMARKS**

By this Amendment, Applicants propose amending claims 38 and 48 to more appropriately define Applicants' invention. No new matter is added. Claims 38-54 are pending in the application.

In the Final Office Action, the Examiner rejected claims 38, 40-42, 46-48, 50, 51, and 54 under 35 U.S.C. § 102(b) as anticipated by Mann (U.S. Patent No. 5,184,295) and rejected claims 39, 43-45, 52, and 53 under 35 U.S.C. § 103(a) as unpatentable over Mann in view of Brostedt (WO 98/25250).

Applicants respectfully traverse the rejection of claims 38, 40-42, 46-48, 50, 51, and 54 under 35 U.S.C. § 102(b) as anticipated by Mann.

Mann discloses a system and method for teaching a student physical skills including a processing module for producing and displaying a model of the student. In particular, Mann discloses a video overlay performance process. The process involves using a video recording a student performing an activity. Beginning from the start of the activity, the videotape is played back in slow motion with an individual performance model overlaid onto the student's image while performing the same movement. See col. 13, lines 39-41 and 56-62. In other words, Mann discloses overlaying a performance model over the student's image after the student has performed the activity. As shown in Fig. 1, for example, Mann teaches using video recorders 16 and 18 to capture images of student 8, which are then played back with the performance model.

By contrast, Applicants' claim 38 recites a system for providing "real-time instructional feedback of a user engaged in an activity" including, among other things, "a video controller for receiving the instructional signal and the real-time video signal and

combining the received signals in real-time to form a composite video signal with an instructional image superimposed onto an image of the user engaged in the activity” and “a first display device displaying the composite video signal to the user in a manner that allows the user to perform the activity while viewing the displayed signal in real-time” (emphasis added). Applicants’ claim 48 recites a method similar in scope to claim 38. Mann does not teach or suggest at least these features of Applicants’ claimed invention. Instead, as noted above, Mann requires videotaping the student’s performance for later viewing. Therefore, the student is unable to receive real-time instructional feedback as the student performs the activity. Accordingly, Applicants respectfully request that the Examiner allow claims 38 and 48.

Claims 40-42, 46-47, 50, 51, and 54 depend from claims 38 or 48 and require the recitations of their respective independent claims. These dependent claims are thus allowable at least due to their dependence from allowable independent claims. Applicants request that the Examiner allow claims 40-42, 46-47, 50, 51, and 54.

Applicants respectfully traverse the rejection of claims 39, 43-45, 52, and 53 under 35 U.S.C. § 103(a) as unpatentable over Mann in view of Brostedt.

As discussed above, Mann discloses a video overlay performance process. Brostedt, however, does not make up for the deficiencies of Mann. Brostedt discloses using a video of an instructor in which the video is preprocessed so that it is horizontally flipped to provide a mirror image of the instructor. See p. 3, lines 24-26. By contrast, independent claim 38 recites providing “real-time instructional feedback of a user engaged in an activity,” including, among other things, “combining the received signals in real-time to form a composite video signal with an instructional image superimposed onto an image of the user engaged in the activity.” Nor does Brostedt disclose or

suggest providing "instructional feedback" as recited in claim 38. Independent claim 48 includes recitations of a similar scope. Accordingly, Mann and Brostedt, taken alone or in combination, do not disclose or suggest claims 38 and 48.

Dependent claims 39, 43-45, 52, and 53 depend from one of independent claims 38 and 48 and thus are allowable over Mann and Brostedt at least due to their dependence. Accordingly, the Examiner should withdraw the rejection and allow claims 39, 43-45, 52, and 53.

### **CONCLUSION**

Applicants respectfully request that the Examiner enter this Amendment under 37 C.F.R. § 1.116, placing claims 38-54 in condition for allowance. Applicants submit that the proposed amendments of claims 38 and 48 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Finally, Applicants submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

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Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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